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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/963,584	09/27/2001	Takeshi Nakamine	Q66199	3262

7590 04/23/2003

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EXAMINER

WALKE, AMANDA C

ART UNIT	PAPER NUMBER
1752	5

DATE MAILED: 04/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Applicant No.	Applicant(s)	
	09/963,584	NAKAMINE ET AL.	
	Examiner Amanda C Walke	Art Unit 1752	

-- The MAILING DATE of this communication appears on the cover sheet with the corresponding address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 21 January 2003.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-15 is/are pending in the application.

4a) Of the above claim(s) 8-15 is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-7 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.

4) Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.

5) Notice of Informal Patent Application (PTO-152)

6) Other: \_\_\_\_\_

## DETAILED ACTION

### *Election/Restrictions*

1. Claims 8-15 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected pyrrolotriazole compound, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 4. In light of the election, the application has been transferred to Art Unit 1752, which examines photographic materials.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takashi et al (JP 11-246785 and its English Language abstract).

Takashi et al disclose a silver halide photographic material comprising a phenidone compound in combination with a pyrrolotriazole cyan coupler. Based upon a spot translation by a PTO staff member, it appears that in addition to the phenidone compound and the pyrrolotriazole coupler, the reference teaches that the coupler is added to the material in an amount that meets the limitations of the present claim 5 (see examples). In column 61 of the reference, it is taught that a phenolic cyan coupler is added to the material as required by the present claim 6, and on pages 47 and 48, it is taught that a preferred additive to the material is a UV absorbing compound having a triazine skeleton as required by the present claim 7.

The pyrrolotriazine cyan couplers exemplified have structures similar to the presently claimed formula (I) (see formula III). Compounds CP-1, 3, 4-8, 10, 16, 17, 20-23, and 25-33 appear to meet the limitations for the present positions R<sup>1</sup> and R<sup>2</sup>. Compounds 1-34 meet the limitations of the present position R<sup>3</sup> and the presently claimed formula (II). Cp 32 and Cp 33 have similar structures except that Cp-32 has a -NHSO<sub>2</sub>Ph(C<sub>8</sub>H<sub>17</sub>(t))(OC<sub>8</sub>H<sub>17</sub>) group in the present R<sub>5</sub> position and a methyl group in the present R<sub>6</sub> position and Cp-33 has a -NHSO<sub>2</sub>Ph(C<sub>8</sub>H<sub>17</sub>(t))(OC<sub>8</sub>H<sub>17</sub>) group in the present R<sub>6</sub> position. Thus, the reference teaches the equivalence of the methyl substituent and the -NHSO<sub>2</sub>Ph(C<sub>8</sub>H<sub>17</sub>(t))(OC<sub>8</sub>H<sub>17</sub>) group on the phenyl ring. Therefore, it is the position of the examiner that it would have been obvious to one of ordinary skill in the art to prepare the material of Takashi et al choosing to prepare coupler Cp-33 and add a methyl group to the position R<sup>5</sup>, with reasonable expectation of achieving a material having reduced cyan stain and high fastness.

***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Saito et al (6,132,945) is cited as being cumulative to the Takashi et al reference relied upon above. Hiroyuki et al (JP 09-288337 and its English Language abstract), Kiyoshi (JP 10-097040 and its English Language abstract), Saito et al (6,220,925), Bergthaller et al (6,171,773), Matsuda (6,159,671 and 6,322,959), Matsuda et al (5,756,274), and Kawai (5,994,046) are cited for their teachings of similar cyan couplers.

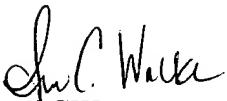
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amanda C Walke whose telephone number is 703-305-0407. The examiner can normally be reached on M-R 5:30-4.

Art Unit: 1752

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Janet Baxter can be reached on 703-308-2303. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

Amanda C Walke  
Examiner  
Art Unit 1752

  
ACW  
April 18, 2003

  
JANET BAXTER  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 1700